



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,881	11/21/2000	Phillip A. White	001020	9771

7590 06/28/2004

Michael G. Panian  
Buchanan Ingersoll, P.C.  
One Oxford Centre  
301 Grant Street, 20th Floor  
Pittsburgh, PA 15219

EXAMINER

GARG, YOGESH C

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 06/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/717,881	WHITE, PHILLIP A.	
	Examiner	Art Unit	
	Yogesh C Garg	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-10, 12, 13 and 15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 12, 13 and 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Amendment received on 4/2/2004 is acknowledged and entered. Claim 1 is amended. New claim 15 is added. Claims 4, 11, and 14 are canceled. Currently claims 1-3, 5-10, 12-13 and 15 are pending.

### ***Response to Arguments***

2.1. Since the applicant has canceled claims 4, 11, and 14 the objection to these claims presented in the previous office action has been withdrawn.

2.2 The applicant's argues (see remarks page 5, lines 7-21), " Without accepting the correctness of such Official Notice in the non-analogous art of providing information to consumers when purchasing products, based upon the above amendments to claims 1, all of these rejections are respectfully traversed.....Moreover, as shown by new dependent claim 15, the device allows for two-way communications from the potential purchaser to the supplier of the product". The examiner respectfully disagrees for following reasons:

(i) The applicant's arguments with respect to amended claim 1 have been considered but are not persuasive. The reference Sloane in view of Sloane II teaches the newly added limitation " means for accessing a plurality of product information sources and receiving product information from said plurality of

Art Unit: 3625

product information sources (see at least col.5, lines 34-49, " *The POS 60 also interacts directly with the shopping venue 30, communicating ..... The POS 60 is typically provided with a first database 602 containing item and price data for all articles sold in the shopping venue. The POS 60 is also typically provided with access to a second database 604 for customer shopping histories. The customer shopping history data base 604 often resides in a central location for a chain store, for example corporate headquarters, .....The data bases 602 and 604 can communicate with, ...* ", and col. 5, line 66-col.6, line 56, " ... as well as for establishing data communications between each apparatus 20 and the base station 40. .... The base station 40 is provided with a wireless transceiver 408 .....Each base station is provided with a supplemental database 404, .... The database is supplemental with respect to the databases of the POS 60. In the context of food, for example, supplemental data base 404 can include nutritional and dietary information for all of the articles in the items and prices data base 602, enabling shoppers to be guided in their purchases based on this information, as well as price information..... ". Note: Databases 602 and 604 and supplemental database 404 correspond to a plurality of product information sources. Sloane discloses accessing these plurality of product information sources in the form of first database 602, associated with POS 60, containing information on the products and their prices, a second database 604 in a central location, like corporation headquarters, away from the shopping venue containing information on customer shopper histories and supplemental database 406 for receiving additional information about the products.).

(ii) The applicant has merely made a conclusive statement of not accepting the Official Notice taken by the examiner for rejecting claims 3, 10, and 13. The applicant had not traversed the facts and benefits of the Official Notice adequately nor asked for documentary evidence. The applicant has not

Art Unit: 3625

pointed out any errors or demonstrated evidence contrary to the unquestionable facts presented by the examiner for showing that the Official Notice being reasonably pertinent in solving the problem with which the applicant was concerned. Therefore, the applicant's traverse of the examiner's assertion of the Official Notice is not adequate and as per *MPEP-2144.03 [R-1] C Reliance on Common Knowledge in the Art or "Well Known" Prior Art* -, the common knowledge or well-known fact considered as Official Notice in the art statement is taken to be admitted prior art.

The applicant argues (see remarks page6, lines 6-13 and lines 17-21) that both Sloane and Sloane II are only useable with a particular retail environment, and do not obtain information from outside of the particular shopping venue where the consumer is located. The examiner disagrees. The reference Sloane discloses that the information can be obtained from outside of the particular shopping venue where the consumer is located (see col.5, lines 34-49, and col.10, lines 46-52, wherein Sloane discloses accessing database 604 in a central location, like corporation headquarters, away from the shopping venue and able to access news bulletins, weather reports and be able to remain in touch with the rest of the world). Further, in response to the applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a consumer or purchaser would not know that the same product may be unreliable in its operation or has been determined by a testing organization to be an unsafe product and that the particular product may be purchased at a

Art Unit: 3625

lower price or with better options from a different source) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(iii) The applicant's arguments with respect to newly added claim 15 have been considered but are not persuasive. Sloane in view of Sloane does disclose means for two-way communications enabling the user to input information to a product manufacturer (see Sloane, at least FIG.1, the two way communications link 18 between the interactive device 20 through which the shopper can send/input queries to the base station 40 [representative of manufacturer] providing an interactive system enabling users to both submit queries and receive responses from interactive supplemental information source 404 located on the base station 40. Sloane further suggests that manufacturers are interested to receive the request for information from consumers so as to offer them both the product information as well as the benefits of the products to motivate them to select their product over another product (see at least col.1, line 59-col.2, line col.2, line 64, " ... *Interactive shopping systems in accordance with the inventive arrangements provide shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made. Shoppers can benefit from the supplemental information even though manufacturers are benefiting from the opportunity to influence the purchasing decisions... Shoppers and manufacturers can both benefit, thus for the first time reconciling the long-felt and contradictory needs of the prior art.* "). The base station 40

Art Unit: 3625

corresponds to a manufacturer who operates it to interact with the user to receive queries for product information and then transmits responses to them both on the product information as well as benefits of the product.

2.3. The applicant also argues (see remarks page 6, lines 14-16) that the device of the present invention can return a "caution" or "yellow" response and provide the **additional information** to the purchaser. Such **additional information** cannot be provided by the prior art cited by the examiner. The examiner disagrees. In response to the applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., **providing additional information** with a "caution" or "yellow" response.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Claims 1 and 5 recite means for receiving product information based on product identification information and claims 2, 3, 9, 10, 12, 13 recite means for indicating different type of colored or sized buttons based upon said received product information (it is already shown in the previous office action on pages 3-11 that these limitations are obvious over Sloane in view of Sloane II). Claims 1, 5 and their dependencies recite indicating of a caution or yellow response based on the product information received from a plurality of sources **but no**

Art Unit: 3625

**subsequent step of providing additional information connected to a  
“caution” or “yellow” response.**

This is a Final rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3.1. Claims 1, 5, 6, 7, 8, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane et al. (US Patent 6,434,530 B1), hereinafter, referred to as Sloane and further in view of Sloane ( US Patent 5,918,211), hereinafter, referred to as Sloane II.

**Regarding claim 1**, Sloane discloses a product purchase decision making device (see at least col.2, line 43-col.3, line 12, “ “ . Note: “ interactive, mobile apparatus” in Sloane corresponds to the claimed device in the application. Also see FIG.2, “ 20” the interactive apparatus shown there corresponds to the claimed device) comprising:



Art Unit: 3625

means for inputting product identification information (see at least col.9, lines 43-63, "...A top plan of a mobile interactive apparatus 20 is shown in FIG. 2. .... The apparatus 20 .....comprises a display screen 202 ..... Display screen 202 can be provided with a touch screen overly 264, enabling the screen to be a further input device. The array of buttons 204 includes a plus (+) button 206, a minus (-) button 208 and an equals (=) button 210. These buttons can be used, for example, in conjunction with a bar code scanner 218 to update and revise the electronic list of articles selected and scanned for purchase as such articles are placed into the shopper's shopping cart. .... ". Also see col.5, lines 8-20, FIG.1 and col.14, lines 28-33, " ....shopper can use the scanner to read the Universal Product Code [UPC] bar codes of the products they are interested in...".. Note: the bar code scanner in Sloane is the means for inputting information.) ;

means for accessing a plurality of product information sources (see at least col.5, lines 8-20, ".... Each mobile apparatus 20 is controlled by a base station 40, which can itself be controlled by a control center 50. The system 10 is adapted for use with a point of sale (POS) system 60. ", and col.6, lines 29-56, " The base station 40 is provided with a wireless transceiver 408 having an antenna 410. The base station can communicate with the wireless transceiver 408 through a communications link 18. The wireless transceiver 408 can communicate with a help desk station 80 through a communications link 82. Different frequencies can be used to communicate with respective apparatus 10, or other multiplexing data transmission schemes can be employed. ....In the context of food, for example, supplemental data base 404 can include nutritional and dietary information for all of the articles in the items and prices data base 602, enabling shoppers to be guided in their purchases based on this information, as well as price information. As will be explained in detail hereinafter, shoppers can use the apparatus 20 to submit queries to the base station while shopping and to receive answers to the queries from the base station. The queries and answers can be submitted and received by

Art Unit: 3625

*using a display screen, buttons and a touch screen overlay. ....* ". Note: The interactive shopping system 10 as shown in FIG.1 includes the interactive mobile apparatus 20 which combined with the communications network 608, wireless transceiver 408 and communications links 18 and 82 are the means for accessing a plurality product of information sources comprising databases 602, 604 and supplemental database 404. Please also refer to the analysis under 2.2 (i) under "**Response to Arguments**" above.);

means for receiving product information based on said product identification information from said plurality of product information sources (see at least col.5, lines 8-20, "*An interactive shopping system 10 is shown in block and diagrammatic form in FIG. 1. The system 10 comprises a plurality of mobile interactive apparatus 20 adapted for use throughout a shopping venue 30. .... Each mobile apparatus 20 is controlled by a base station 40, which can itself be controlled by a control center 50. The system 10 is adapted for use with a point of sale (POS) system 60.* ", and col.6, lines 29-56, "*The base station 40 is provided with a wireless transceiver 408 having an antenna 410. The base station can communicate with the wireless transceiver 408 through a communications link 18. The wireless transceiver 408 can communicate with a help desk station 80 through a communications link 82. Different frequencies can be used to communicate with respective apparatus 10, or other multiplexing data transmission schemes can be employed. ....In the context of food, for example, supplemental data base 404 can include nutritional and dietary information for all of the articles in the items and prices data base 602, enabling shoppers to be guided in their purchases based on this information, as well as price information. As will be explained in detail hereinafter, shoppers can use the apparatus 20 to submit queries to the base station while shopping and to receive answers to the queries from the base station. The queries and answers can be submitted and received by using a display screen, buttons and a*

Art Unit: 3625

*touch screen overlay. ....* ". Note: The interactive shopping system 10 as shown in FIG.1 includes the interactive mobile apparatus 20 which combined with the communications network 608, wireless transceiver 408 and communications links 18 and 82 are the means for receiving product information from a plurality of product information sources such as databases 404, 602, and 604 ).

Sloane further discloses means for generating a product purchase decision based on said received product information (see at least col.3, lines 43-45, col.4, lines 26-45, col.6, lines 38-col.7, line 55, and col.15, lines 29-56. These segments of Sloane disclose that AIU 406, an artificial intelligence unit, is able to guide and alert the users about their purchases for their good attributes such as nutritional and dietary information as well as on price based upon the information from supplemental database 404 and prices database 602. Sloane does not disclose means for indicating to a user product purchase decision. This is a "means for " limitation and invokes 35 U.S.C. 112, 6<sup>th</sup> paragraph. The means for indicating to a user product purchase are indicator lights as described in the specification. Sloane discloses that the mobile apparatus 20, which corresponds to the claimed device in the application, includes an array of indicator lights (see at least col.11, lines 19-25, "*The apparatus can be provided with an array 266 of output indicators, for example, light emitting diodes, indicators 268 and 270.....the button array, the indicator lights* "). Sloane does not expressly disclose that these indicator lights are used as means to indicate a product purchase decision to a user.

Art Unit: 3625

However, Sloane II, in the same field of endeavor, does teach use of the indicator lights to indicate a product purchase decision to a user (see at least col. 6, lines 39-44, "... **Portable bar code scanner 20 includes indicator lights 36a-36c** for indicating to the consumer the occurrence of certain events, such as, for example, ready to scan, a discount being offered, a product promotion, or any other message or event that the retailer/manufacturee feels is necessary to alert the consumer ". Also, see col.10, lines 35-37 and col.12, lines 34-38. Note: The Portable bar code scanner 20 in Sloane II corresponds to the "device" as claimed. Further, the use of indicator lights to indicate a warning, product discounts and promotions correspond to the means for indicating to a user a product purchase decision, as claimed, because a warning light indicator would stop the user from buying, a product discount indicator light would motivate the buyer to go ahead with the buying decision and a promotion indicator light cautions the buyer that a new product is being promoted and as such he may try to know more about it.).

In view of Sloane II, it would have been obvious to a person of an ordinary skill in the art at the time of the invention of the applicant to have modified Sloane to incorporate the feature of using indicator lights to indicate a purchase decision to a user because using different colored lights, as being done in guiding the traffic with green, red and yellow lights, it would be very familiar and striking to the users to convey decisions rapidly to go ahead with the indicated purchase decision, to go ahead with the purchasing decision with caution, and to take a decision to stop buying.

Art Unit: 3625

Thus the prior art of Sloane in view of Sloane II performs the identical function specified in the claim in substantially the same way, and produces substantially the same results as the corresponding element disclosed in the specification (See: *Kemco Sales, Inc. v. Control Papers Co.*, 54 USPQ2d 1308, 1315 (Fed. Cir. 2000); *Odetics, Inc. v. Storage Tech. Corp.*, 185 F.3d 1259, 1267, 51 USPQ2d 1225, 1229-30 (Fed. Cir. 1999)).

**Regarding claim 5**, Sloane in view of Sloane II as applied to claim 1 discloses a product purchase decision-making device as analyzed above. Sloane also discloses means for displaying received product information (see at least col.9, lines 51-52, "*Display screen 202 can, for example, be an **LCD or TFT panel***.").

**Regarding claim 6**, Sloane in view of Sloane II as applied to claim 1 discloses a product purchase decision-making device as analyzed above. Sloane also discloses that the device comprises one of a personal digital assistant, laptop computer, handheld computer, palmtop computer or a cellular phone ( see at least col.12, lines 1-5, "*A functional block diagram of the apparatus 20 is shown in FIG. 3. .... the apparatus can be thought of, structurally, as a special purpose portable computer with application specific user interfaces.* ". Note: In Sloane, "portable computer" corresponds to any of a personal digital assistant, a laptop computer, handheld computer, and palmtop computer as claimed. Also see col.11, lines 8-25 for cellular telephone, "*As an alternative, the apparatus 20 can be contoured **much like a telephone handset** and appropriate placement of the microphone and speaker 226 and 228 as*

Art Unit: 3625

*shown can enable private audible communications in that fashion..... " . Note: the apparatus as analyzed above is mobile and therefore a mobile telephone will can correspond to a cellular phone ) .*

**Regarding claim 7**, Sloane in view of Sloane II as applied to claim 1 discloses a product purchase decision-making device as analyzed above. Sloane also discloses that the said means for inputting product identification information comprises a bar code scanner (see at least col. 9, lines 56-63, "*These buttons can be used, for example, in conjunction with a **bar code scanner 218** ....*" , and col.14, lines 27-32, "*As the shopper is moving through the shopping venue and browsing products, the shopper can use **the scanner to read the Universal Product Code (UPC) bar codes of products they are interested in, or can scan shelf labels having the product UPC bar code, and request information on these or similar or associated products** " ).*

**Regarding claim 8**, Sloane in view of Sloane II as applied to claim 1 discloses a product purchase decision-making device as analyzed above. Sloane also discloses that the device comprises a telephone handset (see at least col.11, lines 8-25, "*As an alternative, the apparatus 20 can be contoured **much like a telephone handset** and appropriate placement of the microphone and speaker 226 and 228 as shown can enable private audible communications in that fashion..... " ). It would be inherent for the device, when it includes a telephone handset to include alphanumeric keyboard means for inputting product identification information.*

**Regarding claim 15**, Sloane in view of Sloane II as applied to claim 1 discloses means for two-way communications enabling the user to input information to a product manufacturer (see Sloane, at least FIG.1, the two way communications link 18 between the interactive device 20 through which the shopper can send/input queries to the base station 40 [representative of manufacturer] providing an interactive system enabling users to both submit queries and receive responses from interactive supplemental information source 404 located on the base station 40. Sloane further suggests that manufacturers are interested to receive the request for information from consumers so as to offer them both the product information as well as the benefits of the products to motivate them to select their product over another product (see at least col.1, line 59-col.2, line col.2, line 64, "*... Interactive shopping systems in accordance with the inventive arrangements provide shoppers with the kind of supplemental information required to make intelligent shopping decisions at the times such decisions are being made and enable manufacturers to influence shopping decisions, for example with price and/or product advisories, at the time the decisions are being made. Shoppers can benefit from the supplemental information even though manufacturers are benefiting from the opportunity to influence the purchasing decisions... Shoppers and manufacturers can both benefit, thus for the first time reconciling the long-felt and contradictory needs of the prior art.* "). The base station 40 corresponds to a manufacturer who operates it to interact with the user to receive queries for product information and then transmits responses to them both on the product information as well as benefits of the product.

3.2. Claims 2, 9, and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sloane in view of Sloane II and further in view of Davey, Tom ; " Improving access "; Information week ; Manhasset: Apr 21, 1997; Iss 627; page 73, 1 pg, extracted on Internet from <http://proquest.umi.com> on 12/9/03, hereinafter, referred to as Davey.

**Regarding claim 2**, Sloane in view of Sloane II as applied to claim1 discloses a product purchase decision-making device comprising indicator lights as means for indicating to a user a product purchase decision, as analyzed above. Sloane in view of Sloane II as applied to claim1 also discloses the use of indicator lights to indicate a warning, product discounts and promotions. Such uses correspond to the means for indicating to a user a product purchase decision, as claimed, because a warning light indicator would stop the user from buying, a product discount indicator light would motivate the buyer to go ahead with the buying decision and a promotion indicator light may caution the buyer that a new product is being promoted and as such he may try to know more about it.

Sloane in view of Sloane II as applied to claim1 does not expressly disclose: a green positive indicating button; a red negative indicating button; and a yellow caution indicating button. However, Davey , in the field of analogous art , discloses a green positive indicating button; a red negative indicating button; and a yellow caution indicating button (see at least page 1, "



Art Unit: 3625

*The dashboard simulates traffic lights, with green, yellow, and red indicators to depict the responsiveness of each link in an Internet connection ....*". In Davey, the green, the red and the yellow indicator lights are used to simulate the traffic signs, wherein green signifies the positive indication that the Web site is working alright and can be accessed, the red signifies not to access the Web sight as it is not working and the yellow signifies a caution that the web sight is slow. The colored indicator lights in Davey correspond to the colored buttons as claimed.).

In view of Davey, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified Sloane in view of Sloane II as applied to claim 1 to incorporate the feature of simulating traffic lights, with green, red and yellow indicators/buttons. Doing so would solve the analogous problem of indicating and conveying different decisions rapidly to the user such as using green light for a product discount and motivating the buyer to go ahead with the buying decision, a red light for a warning and to stop the user from buying, and a yellow light as promotion indicator and cautioning the buyer that a new product is being promoted and as such he may try to know more about it.).

**Regarding claim 9**, Sloane in view of Sloane II as applied to claim 7 discloses a product purchase decision making device comprising a bar code scanner and indicator lights as means for indicating to a user a product purchase decision, as analyzed above. The limitation that, indicating means comprises a green positive indicating button; a red negative indicating button;

Art Unit: 3625

and a yellow caution indicating button are already covered and analyzed in claim 2 above and therefore claim 9 is rejected as being unpatentable over Sloane in view of Sloane II and further in view of Davey on the basis of same rational.

**Regarding claim 12**, Sloane in view of Sloane II as applied to claim 8 discloses a product purchase decision making device comprising an alphanumeric keyboard and indicator lights as means for indicating to a user a product purchase decision, as analyzed above. The limitation that, indicating means comprises a green positive indicating button; a red negative indicating button; and a yellow caution indicating button are already covered and analyzed in claim 2 above and therefore claim 12 is rejected as being unpatentable over Sloane in view of Sloane II and further in view of Davey on the basis of same rational.

3.3. Claims 3, 10 and 13 are rejected under 35 U.S.C. 103(a) as being obvious over Sloane in view of Sloane II and further in view of Official Notice.

**Regarding claim 3**, Sloane in view of Sloane II as applied to claim 1 discloses a product purchase decision making device comprising indicator lights as means for indicating to a user a product purchase decision, as analyzed above. Sloane in view of Sloane II as applied to claim 1 also discloses the use of indicator lights to indicate a warning, product discounts and promotions correspond to the means for indicating to a user a product purchase

Art Unit: 3625

decision, as claimed, because a warning light indicator would stop the user from buying, a product discount indicator light would motivate the buyer to go ahead with the buying decision and a promotion indicator light may caution the buyer that a new product is being promoted and as such he may try to know more about it. Note: the indicator lights in Sloane in view of Sloane II as applied to claim 1 correspond to indicator buttons as claimed.

Sloane in view of Sloane II as applied to claim 1 does not expressly disclose: a circular positive indicating button/light; an octagonal negative indicating button/light; and a triangular caution indicating button/light.

Official Notice is taken of both the concept and benefits of the old and well-known traffic signaling system using different shapes and colors to indicate and convey decisions to the mind of the users when driving and using the road. Traffic signaling system uses octagonal shape for a "stop sign", triangular shapes to indicate caution, such as school area, slippery roads, yield sign, etc., and a round green signal indicating the path is clear. In view of the Official Notice, it would have been obvious to a person of an ordinary skill in the art at the time of the applicant's invention to have modified Sloane in view of Sloane II as applied to claim 1 to incorporate the old and well-known features of different shaped traffic signs, such as octagon, triangle and circle because it would solve the analogous problem of indicating and conveying different decisions rapidly to the user such as using circular green indicator light for a product discount and motivating the buyer to go ahead with the buying decision, an octagonal shaped red indicator light for a warning and to stop the user from buying, and a triangular

Art Unit: 3625

shaped yellow light as promotion indicator and cautioning the buyer that a new product is being promoted and as such he may try to know more about it.).

**Regarding claim 10**, Sloane in view of Sloane II as applied to claim 7 discloses a product purchase decision making device comprising a bar code scanner and indicator lights as means for indicating to a user a product purchase decision, as analyzed above. The limitation that, indicating means comprises a circular positive indicating button; an octagonal negative indicating button; and a triangular caution indicating button are already covered and analyzed in claim 3 above and therefore claim 10 is rejected as obvious over Sloane in view of Sloane II and further in view of Official Notice on the basis of same rational.

**Regarding claim 13**, Sloane in view of Sloane II as applied to claim discloses a product purchase decision making device comprising an alphanumeric keyboard and indicator lights as means for indicating to a user a product purchase decision, as analyzed above. The limitation that, indicating means comprises a circular positive indicating button; an octagonal negative indicating button; and a triangular caution indicating button are already covered and analyzed in claim 3 above and therefore claim 10 is rejected as obvious over Sloane in view of Sloane II and further in view of Official Notice on the basis of same rational

### ***Conclusion***

4 The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(i) US Patent 6,026,429 to Jones et al. discloses accessing a plurality of Internet information sources to provide "one stop" shopping for researchers (see at least col.3, line 51-col.4, line 9).

(II) US Patent 6,631,357 B1 to Perkowski teaches a method and system for finding consumer product related information on the Internet (see at least abstract).

5. THIS ACTION IS MADE FINAL. **Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).**

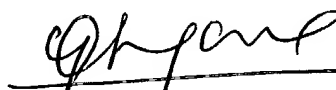
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C Garg whose telephone number is 703-306-0252. The examiner can normally be reached on M-F(8:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg  
Primary Examiner  
Art Unit 3625

YCG  
June 15, 2004